

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ORGANIC SEED GROWERS AND  
TRADE ASSOCIATION, et al.,  
Plaintiffs,

v.

MONSANTO COMPANY AND  
MONSANTO TECHNOLOGY LLC,  
Defendants.

Case No. 1:11-cv-2163-NRB

Jury Demanded

ECF Case

**DECLARATION OF CAROLYN JACOBS CHACHKIN IN SUPPORT OF  
MONSANTO COMPANY AND MONSANTO TECHNOLOGY LLC'S  
MOTION TO DISMISS FOR LACK OF SUBJECT-MATTER JURISDICTION**

I, Carolyn Jacobs Chachkin, declare as follows:

1. I am an attorney with the law firm of Wilmer Cutler Pickering Hale and Dorr LLP. I am one of the attorneys representing Defendants Monsanto Company and Monsanto Technology LLC in this action.
2. Attached hereto as Exhibit A is a true and correct copy of excerpts from Monsanto Company, 2010 Form 10-K (Oct. 27, 2010), *available at* <http://www.sec.gov/Archives/edgar/data/1110783/000095012310096537/c60329e10vk.htm>.
3. Attached hereto as Exhibit B is a true and correct copy of Report in Brief, National Research Council, *The Impact of Genetically Engineered Crops on Farm Sustainability in the United States* (2010), *available at* [http://dels.nas.edu/resources/static-assets/materials-based-on-reports/reports-in-brief/genetically\\_engineered\\_crops\\_report\\_brief\\_final.pdf](http://dels.nas.edu/resources/static-assets/materials-based-on-reports/reports-in-brief/genetically_engineered_crops_report_brief_final.pdf).
4. Attached hereto as Exhibit C is a true and correct copy of Ralph E. Heimlich et al., *Genetically Engineered Crops: Has Adoption Reduced Pesticide Use?* (Aug. 2000), *available at* <http://www.ers.usda.gov/publications/agoutlook/aug2000/ao273f.pdf>.

5. Attached hereto as Exhibit D is a true and correct copy of excerpts from U.S. Dep't of Agriculture, *Monsanto Company and KWS SAAT AG Supplemental Request for Partial Deregulation of Sugar Beet Genetically Engineered to be Tolerant to the Herbicide Glyphosate: Final Environmental Assessment* (Feb. 2011).

6. Attached hereto as Exhibit E is a true and correct copy of Dan Towery & Steve Werblow, Conservation Technology Information Center, *Facilitating Conservation Farming Practices and Enhancing Environmental Sustainability with Agricultural Biotechnology* (2010), available at <http://www.ctic.org/BiotechSustainability>.

7. Attached hereto as Exhibit F is a true and correct copy of Janet E. Carpenter & Leonard P. Gianessi, Nat'l Center for Food and Agricultural Policy, *Agricultural Biotechnology: Updated Benefit Estimates* 39 (Jan. 2001).

8. Attached hereto as Exhibit G is a true and correct copy of B. Rosie Lerner & Michael N. Dana, *Growing Sweet Corn* (May 2001), available at <http://www.hort.purdue.edu/ext/HO-98.pdf>.

9. Attached hereto as Exhibit H is a true and correct copy of the Declaration of Cindy J. Smith, Administrator of USDA Animal and Plant Health Inspection Service, filed in *Center for Food Safety, et al., v. Thomas J. Vilsack, et al.*, No. 3:08-cv-484-JSW (N.D. Cal.), Dkt. No. 277 (Feb. 12, 2010).

10. Attached hereto as Exhibit I is a true and correct copy of U.S. Dep't of Agriculture, Economic Research Service, *Organic Production Data Set*, available at <http://www.ers.usda.gov/Data/Organic/> (last visited July 11, 2011).

11. Attached hereto as Exhibit J is a true and correct copy of U.S. Dep't of Agriculture, *Record of Decision: Glyphosate-Tolerant Alfalfa Events n01 and J163: Request for*

*Nonregulated Status* 4 (Jan. 27, 2011), available at

[http://www.aphis.usda.gov/brs/aphisdocs/04\\_11001p\\_rod.pdf](http://www.aphis.usda.gov/brs/aphisdocs/04_11001p_rod.pdf).

12. Attached hereto as Exhibit K is a true and correct copy of U.S. Dep't of Agriculture, Animal and Plant Health Inspection Service, Biotechnology Regulatory Services, *Coordinated Framework for the Regulation of Biotechnology*, Program Aid No. 1862 (April 2006), available at

[http://www.aphis.usda.gov/publications/biotechnology/content/printable\\_version/BRS\\_CoordFrameBro.pdf](http://www.aphis.usda.gov/publications/biotechnology/content/printable_version/BRS_CoordFrameBro.pdf).

13. Attached hereto as Exhibit L is a true and correct copy of Policy Memorandum, U.S. Dep't of Agriculture (Apr. 15, 2011), available at <http://www.ams.usda.gov/AMSV1.0/getfile?dDocName=STELPRDC5090396>.

14. Attached hereto as Exhibit M is a true and correct copy of Letter from U.S. Dep't of Agriculture Under Secretary Bill Hawks to Gus Douglass, Nat'l Assn. of State Dep'ts of Agriculture, at 3 (Dec. 21, 2004), available at <http://www.co.lake.ca.us/Assets/BOS/GE+Crops+Committee/USDA+Letter.pdf>.

15. Attached hereto as Exhibit N is a true and correct copy of U.S. Environmental Protection Agency, *Demographics*, at <http://www.epa.gov/agriculture/ag101/demographics.html> (last visited July 11, 2011).

16. Attached hereto as Exhibit O is a true and correct copy of *Monsanto's Commitment: Farmers and Patents*, available at <http://www.monsanto.com/newsviews/Pages/commitment-farmers-patents.aspx> (last visited July 11, 2011).

I declare under penalty of perjury that the foregoing is true and correct.

Dated: July 12, 2011

By:   
Carolyn Jacobs Chachkin

WILMER CUTLER PICKERING  
HALE and DORR LLP  
1875 Pennsylvania Avenue, N.W.  
Washington, D.C. 20006  
Tel. (202) 663-6000  
Fax (202) 663-6363

*Counsel for Defendants Monsanto Company and  
Monsanto Technology LLC*